

present at public court proceedings. Section 10606 of this title was subsequently repealed by Pub. L. 108-405, title I, §102(c), Oct. 30, 2004, 118 Stat. 2264.

CODIFICATION

Section enacted as part of the Victims' Rights and Restitution Act of 1990 and also as part of the Crime Control Act of 1990, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

AMENDMENTS

1994—Subsec. (c)(7). Pub. L. 103-322 inserted at end “The Attorney General shall provide for the payment of the cost of up to 2 anonymous and confidential tests of the victim for sexually transmitted diseases, including HIV, gonorrhea, herpes, chlamydia, and syphilis, during the 12 months following sexual assaults that pose a risk of transmission, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim as the result of the assault. A victim may waive anonymity and confidentiality of any tests paid for under this section.”

§ 10608. Closed circuit televised court proceedings for victims of crime

(a) In general

Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the trial court shall order closed circuit televising of the proceedings to that location, for viewing by such persons the court determines have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) Limited access

(1) Generally

No other person, other than official court and security personnel, or other persons specifically designated by the court, shall be permitted to view the closed circuit televising of the proceedings.

(2) Exception

The court shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(c) Restrictions

(1) The signal transmitted pursuant to subsection (a) of this section shall be under the control of the court at all times and shall only be transmitted subject to the terms and conditions imposed by the court.

(2) No public broadcast or dissemination shall be made of the signal transmitted pursuant to subsection (a) of this section. In the event any tapes are produced in carrying out subsection (a) of this section, such tapes shall be the property of the court and kept under seal.

(3) Any violations of this subsection, or any rule or order made pursuant to this section, shall be punishable as contempt of court as described in section 402 of title 18.

(d) Donations

The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a) of this section.

(e) Construction

(1)¹ Nothing in this section shall be construed—

(i) to create in favor of any person a cause of action against the United States or any officer or employees thereof, or

(ii) to provide any person with a defense in any action in which application of this section is made.

(f) “State” defined

As used in this section, the term “State” means any State, the District of Columbia, or any possession or territory of the United States.

(g) Rules

The Judicial Conference of the United States, pursuant to its rule making authority under section 331 of title 28, may promulgate and issue rules, or amend existing rules, to effectuate the policy addressed by this section. Upon the implementation of such rules, this section shall cease to be effective.

(h) Effective date

This section shall only apply to cases filed after January 1, 1995.

(Pub. L. 104-132, title II, §235, Apr. 24, 1996, 110 Stat. 1246.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

This section was enacted as part of the Justice for Victims of Terrorism Act of 1996, and also as part of the Antiterrorism and Effective Death Penalty Act of 1996, and not as part of the Victims of Crime Act of 1984 which comprises this chapter.

CHAPTER 113—STATE JUSTICE INSTITUTE

Sec.	
10701.	Definitions.
10702.	Establishment of Institute; duties.
	(a) Establishment; purpose; incorporation; powers.
	(b) Duties.
	(c) Duplication of functions; responsibility of State agencies.
	(d) Maintenance of offices in State of incorporation; agent for receipt of service of process.
	(e) Tax status of Institute and programs assisted thereby.
	(f) Rules, regulations, etc.; notice and comment.
10703.	Board of Directors.
	(a) Appointment and membership.
	(b) Term of office.
	(c) Reappointment.

¹ So in original. No par. (2) has been enacted.

Sec.

- (d) Compensation; reimbursement for expenses.
- (e) Status of members of Board as officers and employees of United States.
- (f) Voting rights of Board members; quorum; action of Board on concurrence of majority.
- (g) Chairman; initial selection and term of office; subsequent annual election.
- (h) Grounds for removal of members.
- (i) Quarterly meetings of Board; special meetings.
- (j) Open meetings.
- (k) Duties and functions of Board.
- 10704. Officers and employees.
 - (a) Duties of Director; appointment and removal of employees; political tests or qualifications prohibited.
 - (b) Compensation.
 - (c) Status of Institute as department, agency, or instrumentality of Federal Government; authority of Office of Management and Budget.
 - (d) Status of officers and employees of Institute as officers and employees of United States.
 - (e) Freedom of information requirements.
- 10705. Grants and contracts.
 - (a) Authority of Institute; purposes of grants.
 - (b) Priority in making awards; alternative recipients; approval of applications; receipt and administration of funds; accountability.
 - (c) Permissible uses of funds.
 - (d) Matching fund requirements.
 - (e) Compliance monitoring and evaluation by Institute.
 - (f) Independent study of financial and technical assistance programs.
- 10706. Limitations on grants and contracts.
 - (a) Duties of Institute.
 - (b) Use of funds for training programs for advocacy of nonjudicial public policies or encouraging nonjudicial political activities.
 - (c) Authority coextensive with appropriation Acts.
 - (d) Prohibited uses of funds.
- 10707. Restrictions on activities of Institute.
 - (a) Litigation; interference with independence of State judiciary; funding of State judicial system activities other than pursuant to this chapter; legislative lobbying.
 - (b) Issuance of shares of stock; declaration of dividends; compensation for services; reimbursement for expenses; political activities.
 - (c) Identification of Institute with political activities.
- 10708. Administrative provisions.
- 10709. Presidential coordination.
- 10710. Records and reports.
 - (a) Reports.
 - (b) Records.
 - (c) Submission of copies of reports to recipients; maintenance in principal office of Institute; availability for public inspection; furnishing of copies to interested parties.
 - (d) Funds accounted for and reported as receipts and disbursements separate and distinct from Federal funds.
- 10711. Audits.

Sec.

- (a) Time and place of audits; standards; availability of books, accounts, facilities, etc., to auditors; filing of report and availability for public inspection.
- (b) Additional audits; requirements; reports and recommendations to Congress and Attorney General.
- (c) Annual audits by Institute or recipients; reports; submission of copies to Comptroller General; inspection of books, accounts, etc.; availability of audit reports for public inspection.
- 10712. Report by Attorney General.
- 10713. Authorization of appropriations.

§ 10701. Definitions

As used in this chapter, the term—

- (1) “Board” means the Board of Directors of the Institute;
- (2) “Director” means the Executive Director of the Institute;
- (3) “Governor” means the Chief Executive Officer of a State;
- (4) “Institute” means the State Justice Institute;
- (5) “recipient” means any grantee, contractor, or recipient of financial assistance under this chapter;
- (6) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States;
- (7) “Supreme Court” means the highest appellate court within a State unless, for the purposes of this chapter, a constitutionally or legislatively established judicial council acts in place of that court; and
- (8) “domestic violence” means—
 - (A) any action that constitutes—
 - (i) attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or physical illness;
 - (ii) rape, sexual assault, or causing involuntary deviate sexual intercourse;
 - (iii) placing by physical menace another in fear of imminent serious bodily injury; or
 - (iv) the infliction of false imprisonment;

if such action is taken by one of 2 spouses, former spouses, or sexual or intimate partners against the other spouse, former spouse, or partner and the 2 of whom share biological parenthood of, have adopted, are legal custodians of, or are stepparents of a minor child; or

(B) physically or sexually abusing such minor child if such abuse is inflicted by either of such spouses, former spouses, or partners.

(Pub. L. 98-620, title II, § 202, Nov. 8, 1984, 98 Stat. 3336; Pub. L. 102-528, § 1, Oct. 27, 1992, 106 Stat. 3461.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title” meaning title II of Pub. L. 98-620, Nov. 8,